

SHER TREMONTE LLP

November 11, 2020

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: *United States v. Ari Teman*
 Case No. 19-cr-696 (PAE)**

Dear Judge Engelmayer:

We write in brief reply to the Government's letter, dated November 10, 2020, regarding our request for additional disclosures. The Government's letter studiously avoids answering the questions at the heart of our request: Did the Government speak to Joseph Soleimani about the housing court matter after the Court directed it to do so on January 21? If so, what did Soleimani say, and why were those statements not disclosed in the form of notes? If the Government did not speak to Mr. Soleimani, despite the Court's express order, why not?

That the written materials regarding Soleimani is supposedly a "null set" only underscores the importance of obtaining a direct answer to the questions posed. There appears to be no explanation for why the housing court order was not disclosed to the defense until the eve of trial, neutralizing the ability of the defense to investigate the matter, and why the Government stated in its opposition brief – misleadingly – that it had complied with the Court's order (*i.e.*, inquired of Soleimani) and disclosed to the defense his statements in advance of his testimony. *See* November 2, 2020 Letter of Justine A. Harris 2 n.2. The Government's lack of candor in its briefing—and its continued refusal to answer the question directly—is troubling and, to us, highly unusual. We note that similar issues have been raised regarding the Government's representations as to *Brady* disclosures in other cases in this District – even when those disclosures would not necessarily have affected the jury's verdict, as the Government strenuously argues here. Finally, the Government's refusal to answer questions regarding Soleimani is especially troubling in light of additional requests we have noted regarding Soleimani's possible business interest in a GateGuard competitor. *See id.*, Exh. B.

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We appreciate the Court's consideration.

Respectfully submitted,

/s/

Justine Harris

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cc: All Counsel of Record